

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TYLER ALLEN LOFALL,

Case No. 3:24-cv-00838-SB

Plaintiff,

ORDER TO REMAND

v.

COUNTY OF CLACKAMAS *et al.*,

Defendants.

SIMON, U.S. District Judge.

Plaintiff Tyler Allen Lofall (“Lofall”), a self-represented litigant, filed a Notice of Removal of Case Number 22CV39627 from Clackamas County on May 23, 2024. (ECF No. 2.)


“The right to remove a state court case to federal court is clearly limited to defendants.” *Am. Int’l Underwriters (Phil.), Inc. v. Cont’l Ins. Co.*, 843 F.2d 1253, 1260 (9th Cir. 1988) (citing 28 U.S.C. § 1441(a)); 28 U.S.C. § 1441(a) (“[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”); 28 U.S.C. § 1446(a) (“A defendant or defendants desiring to remove any civil action from a State court shall file in the district court of

the United States for the district and division within which such action is pending a notice of removal”); *see also Or. Egg Producers v. Andrew*, 458 F.2d 382, 383 (9th Cir. 1972) (“A plaintiff who commences his action in a state court cannot effectuate removal to a federal court even if he could have originated the action in a federal court and even if a counterclaim is thereafter filed that states a claim cognizable in a federal court.”) (citations omitted).

Accordingly, the Court REMANDS this case to Clackamas County Circuit Court. *See Bell v. Flippo*, No. 1:09-cv-01855-OWW-GSA-PC, 2009 WL 4507714, at *1 (E.D. Cal. Dec. 3, 2009) (“Because removal is not available to a plaintiff, Plaintiff does not have the right to remove his state court case to federal court.”); *Abdullah v. City of S.F.*, No. 95-cv-0668 EFL, 1995 WL 225701, at *1 (N.D. Cal. Mar. 3, 1995) (remanding to state court where the plaintiff sought to remove the case to federal court).

IT IS SO ORDERED.

DATED this 4th day of June, 2024.


Michael H. Simon
United States District Judge